

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Ernest Earl McLamb

Docket No. 7:98-CR-62-2BO

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ernest Earl McLamb, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute Marijuana in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Fox, U.S. District Judge, on December 18, 1998, to the custody of the Bureau of Prisons for a term of 210 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

McLamb was released from custody on November 19, 2012, at which time the term of supervised release commenced.

On January 7, 2015, McLamb was ordered to participate in increased drug testing and personal contacts with his probation officer as a result of using a controlled substance.

On April 4, 2016, McLamb was ordered to participate in increased drug testing and service of 3 days in jail as a result of using a controlled substance.

On November 14, 2017, McLamb was verbally admonished and continued on supervision in response to incurring pending charges for Possession of an Open Container or Consuming Alcohol in Passenger Area in Pender County District Court and Driving While License Revoked Not by Impaired Revocation and Failing to Stop at a Steady Red Light in Brunswick County District Court, as well as failing to report these charges to his supervising probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

McLamb was ordered to pay a \$100.00 special assessment and an \$8,000.00 fine as part of his original judgment. Over the course of his imprisonment and term of supervised release he has paid \$4,273.13. McLamb has struggled to pay this obligation over the final year of his term of supervised release as he has endured numerous physical health setbacks including issues with his vision and heart. He has been unable to work and his prospects for future employment and income are bleak. McLamb has an approaching supervised release termination date of November 18, 2017. The probation office believes McLamb will be unable to adequately address the remainder of his fine once his term of supervision ends.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The remainder of McLamb's fine, \$3,826.87, be stricken and that his term of supervision expire as scheduled.

The probation office has solicited the United States Attorney's office for their input on this request; however, no response was received.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

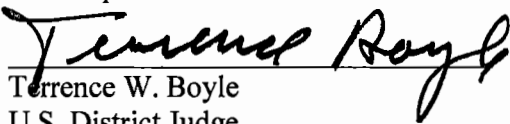
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Erik J. Graf
Erik J. Graf
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2031
Executed On: November 17, 2017

ORDER OF THE COURT

Considered and ordered this 17 day of November, 2017, and ordered filed and
made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge